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Focusing on Cases under
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February 9, 2022

VIA ECF ONLY

Hon. John P. Cronan
United States District Court
500 Pearl Street, Room 1320
New York, New York 10007

**Re: D'Arrigo Bros. Co. of New York, Inc. v. Jefe Produce LLC d/b/a Garden Farm;
Case No. 22-cv-119 (JPC)**

Dear Judge Cronan:

We are the attorneys for D'Arrigo Bros. Co. of New York, Inc., Fierman Produce Exchange, Inc. and Coosemans New York Inc., plaintiffs in the above-captioned action against Jefe Produce LLC d/b/a Garden Farm ("Jefe Produce") and Jeung S. Lee ("Lee") (Jefe Produce and Lee collectively, "Defendants"). We write to request an order authorizing and directing M&T Bank ("M&T") to turn over to my office funds being held in Jefe Produce's account.

On January 18, 2022, your Honor entered a Preliminary Injunction Order (Docket No. 18) (the "Order") which, among other things, directs that "any banking institutions used by Defendants shall ... deliver any and all PACA trust assets held on Defendants' behalf, up to \$291,771.50, to counsel for Plaintiffs." My office served a copy of the Order on M&T on January 19, 2022 and on January 20, 2022, M&T disbursed the sum of \$16,690.84 to my firm. We are currently holding those sums in my firm's IOLA account as directed by the Order.

Earlier today, defendant Lee informed me that he had deposited the sum of \$94,660.43 into one of the restrained accounts at M&T. M&T confirmed in writing that those funds are currently frozen in Jefe Produce's account. A copy of M&T's confirming letter is enclosed. I have requested that M&T turn those funds over to my office as required by the Order. Because the Order does not expressly impose a continuing obligation to turn over funds in Defendants' accounts, M&T has requested that this Court enter an order authorizing and directing the turnover of the newly-deposited funds. In addition, Plaintiffs respectfully request that such order make clear that the obligation to turn over funds in Defendants' account is a continuing obligation until such time as Plaintiffs receive the sum of \$291,771.50.

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As indicated in this letter, defendant Lee has been cooperating with Plaintiffs and is generally in compliance with Defendants' obligations under the Order. Plaintiffs are engaged in other efforts to recover PACA trust assets which Plaintiffs will report to the Court in their status report due February 17, 2022.

Thank you for your attention to this matter.

Sincerely,
McCarron & Diess

By: 
Gregory Brown

Enclosure

cc.: Plaintiffs
Jeung S. Lee (via email: jsleeproduce@gmail.com)

The request is granted. M&T is directed to continue turning over funds deposited in Mr. Lee's account until Plaintiffs receive the sum of \$291,771.50.

SO ORDERED.
Date: February 14, 2022
New York, New York


JOHN P. CRONAN
United States District Judge

M&T Bank

P.O. Box 844 Buffalo, NY 14240
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February 9, 2022

McCARRON & DIESS
GREGORY BROWN
4530 WISCONSIN AVE, N.W., SUITE 301
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RE: JEFE PRODUCE LLC d/b/a GARDEN FARM AND JEUNG S. LEE
Reference No.: 22-cv- 119

Dear Sir or Madam:

In connection with the process directed to M&T Bank in the above-referenced matter:

M&T Bank has received and acknowledged the process:

- ☒ Account Frozen – \$94,660.43
- ☐ Safe Deposit Box Frozen

Balances Provided
May not Reflect Unposted
Transactions or Legal
Document Processing Fees

M&T Bank is unable to comply with the process:

- ☐ No Open Accounts
- ☐ Negative Balance
- ☐ Exempt Funds
- ☐ Joint Account – Turnover Required
- ☐ Zero Balance

Customer has Outstanding
Obligation to M&T Bank
We Reserve our Right of Offset.

The balance provided is subject to change as this does not include electronic debits that may have occurred prior to the receipt of this notice but have not yet posted to the account.

Sincerely,

Sandy Johnson
Legal Documents Associate
M&T Bank